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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

24-12

First Inventor

Chiussi

Title

Express Mail Label No.

ER403214417US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
- ☐ Applicant claims small entity status.
- ☒ See 37 CFR 1.27.
- ☒ Specification [Total Pages 41]  
(Preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
- ☐ Oath or Declaration [Total Sheets \_\_\_\_\_]
- ☐ Newly executed (original or copy)
- ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

FORMAL

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Reader Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

- FROM PRIOR APPLICATION**
- ☒ Assignment Papers (cover sheet & document(s))
- ☒ 37 CFR 3.73(b) Statement of Attorney (when there is an assignee) ☒ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☒ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other: \_\_\_\_\_

If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation☐ Divisional☐ Continuation-in-part (CIP)of prior application No. 09/247,779

Enter application information

Examiner M. JagannathanArt Unit: 2666

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

Customer Number: \_\_\_\_\_

OR ☒ Correspondence address below

Name

Wendy W. Koba

Address

PO Box 556

City

Springtown

State

PA

Zip Code

18081

Country

United States of America

Telephone

610-346-7112

Fax

610-346-8189

Name (Print/Type)

Wendy W. Koba

Registration No. (Attorney/Agent)

30509

Signature

Wendy W. Koba

Date

12/29/03

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

17364  
123003  
U.S. PTO

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)  
**770.00**

### Compleat if Known

Application Number	
Filing Date	
First Named Inventor	Chiussi
Examiner Name	
Art Unit	
Attorney Docket No.	24-12

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: **50-1735**  
Deposit Account Name: **Agere Systems, Inc.**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 70	2001 385	Utility filing fee	770
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) <b>770.00</b>

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: **9** -20\*\* = **0** X **0** = **0**  
Independent Claims: **1** -3\*\* = **0** X **0** = **0**  
Multiple Dependent: **0** X **0** = **0**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3)			(\$) <b>0</b>

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Wendy W. Koba	Registration No. (Attorney/Agent)	30509
Signature	Wendy W. Koba	Telephone	610-346-7112
		Date	12/29/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Pr vld credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXPRESS MAIL  
CERTIFICATE OF MAILING

Patent Application for:

Applicants: Fabio Massimo Chiussi  
Andrea Francini

Atty. No: 24-12

Title: Method and Apparatus for Guaranteeing  
Data Transfer Rates and Delays in Data Packet  
Networks Using Generalized Discrete Data  
Transfer Rate Approach

I hereby certify that this correspondence is being deposited with the United States  
Postal Service with sufficient postage as EXPRESS MAIL in an envelope addressed  
to:

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

On December 29, 2003

EXPRESS MAIL TRACKING NO. ER403214417US

Type or Print name of person signing this certificate: Wendy W. Koba, Esq.

Signature: Wendy W. Koba

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Prior Application: Chiussi 10-3  
Serial No.: 09/247,779  
Filing Date: February 9, 1999  
Group Art Unit: 2666  
Examiner: M. Jagannathan  
Status: Allowed

Case Chiussi 24-12

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

CONTINUATION/DIVISIONAL APPLICATION UNDER 37 CFR § 1.53(b)

SIR:

This is a request for filing a <sup>a</sup> continuation <sup>a</sup> divisional application under 37 CFR § 1.53(b) of prior Application Serial No. 09/247,779, filed on February 9, 1999 entitled Method and Apparatus for Guaranteeing Data Transfer Rates and Delays in Data Packet Networks Using Generalized Discrete Data Transfer Rate Approach  
Enclosed are the following papers relating to the above-identified application:

1. <sup>a</sup> Specification (Total Pages: 41)
2. <sup>a</sup> Drawings (Total Sheets: 6) Formal
3. <sup>a</sup> Copy of "Declaration and Power of Attorney" from prior application (Total Pages: 4)
- ☒ <sup>a</sup> Newly executed "Declaration and Power of Attorney" (if **adding** inventors) (Total Pages:     )
- ☒ <sup>a</sup> Newly executed "Assignment and Agreement" (if **adding** inventors) (Total Pages:     )
- ☒ <sup>a</sup> Incorporation By Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☒ <sup>a</sup> **DELETION OF INVENTOR(S)**

Signed statement attached (under 37 CFR § 1.63(d)(2)) deleting inventor(s) named in the prior application

☒ <sup>a</sup> Information Disclosure Statement

☒ <sup>a</sup> **Copy** of "Extension of Time"

10. <sup>a</sup> Other:

Assignment and Agreement from prior Application  
3.73(b) Statement from prior application

11. <sup>a</sup> Cancel the following original claims in the prior application before calculating the filing fee: 1-31, 41-51

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELLED AT No. 11 ABOVE				
	NO. FILED	NO. EXTRA	RATE	CALCULATIONS
Total Claims	9 - 20 =	0	x \$18 =	0
Independent Claims	1 - 3 =	0	x \$86 =	0
Multiple Dependent Claims(s), if applicable			+ \$290 =	0
Basic Fee				\$770
TOTAL FEE				770.00

12. <sup>a</sup> Amend the specification by inserting before the first line this sentence:

This is a <sup>a</sup> continuation <sup>a</sup> ~~divisional~~ of Application Serial No. 09/247,779, filed on February 9, 1999

13. <sup>a</sup> Preliminary Amendment

14. Amendment Fee:

<sup>a</sup> No additional fee is required.

☒ An additional amendment fee is calculated as follows:

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid For (from above)	Present Extra	Rate	Additional Fee
Total Claims for Fee Purposes	9	minus	51	0	x \$18	0
Independent Claims	1	minus	6	0	x 86	0
Multiple Dependent Claim(s) first presented with this amendment, if applicable.					+ \$290	0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:						0

15. Please charge the total amount of \$ 770.00 to Agere Systems Inc. Deposit Account No. **501735**.

Duplicate copies of this letter are enclosed. In the event of non-payment of improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 501735** as required to correct the error.

The Assistant Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR § 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Please address all correspondence to **Wendy W. Koba, Esq.** PO Box 556, Springtown, PA 18081. Telephone calls should be made to me at **610-346-7112**.

Respectfully,

A handwritten signature in cursive script that reads "Wendy W. Koba".

Wendy W. Koba, Esq.  
Attorney for Applicant(s), Reg. No.30509

Date: 12/29/03